IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 5021 of 2004(W)

PETITIONER:

JACOB JOSEPH,
CONVENOR, BENEFICIARY COMMITTEE, VELLAMATTATHIL HOUSE, MANNADISALA P.O., VECHUCHIRA, KOLLAMVILA VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.N.VIMALAN

RESPONDENTS:
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1. THE SECRETARY,
VECHUCHIRA GRAMA PANCHAYATH, MANNADISALA P.O., VECHUCHIRA, PATHANAMTHITTA DISTRICT.

2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

3. THE TAHSILDAR (R.R),
TALUK OFFICE, RANNI TALUK, PATHANAMTHITTA.

4. THE VILLAGE OFFICER,
KOLLAMVILA VILLAGE, RANNI, EDAVA P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.M.NARENDRA KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, ALONG WITH WP(C) Nos. 5029, 4958, 12801 & 12843 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 5021/2004

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DEMAND NOTICE NO. MISC.76/03 DATED 17/09/2003 FROM THE 3RD RESPONDENT.

P2 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 02/01/2004.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) Nos. 5021, 5029, 4958, 12801 & 12843 of 2004

Dated, this the 15th day of November, 2007

J U D G M E N T

Petitioners were conveners of beneficiary committee, who have under taken to do certain development work under the 1st respondent Panchayat. All the petitioners have mentioned in the petition that mobilization advances have been appropriated towards procurement of materials for executing the work by them. However, learned counsel for the Panchayat denied the same stating that no work is done by any of the petitioners and the mobilization advances have been misappropriated by them. I do not think this Court should decide this factual issue without verification which has to be done only by an authorized person. Learned standing counsel for the 1st respondent submitted that the monitoring committee consists of the Panchayat President and an engineer. These writ petitions are, accordingly, disposed of directing the Panchayat President to co-ordinate with other members of the monitoring committee and visit the site after notice to each of the petitioners and make proper inventory of work done and give copy to the petitioners. The valuation of materials will be done by the engineer, member of the monitoring committee, who

will give valuation report to the petitioners also.

2. Recovery will be withheld for a period of three months from now, within which time, materials procured and work completed will be fully evaluated with reference to terms of contract and recovery will be based on the liability determined, in case of each of the petitioners, i.e. the difference between the mobilization amount and value of actual work done. I make it clear that if petitioners are found to have not invested any amount for the work, then there will be direction to the 1st respondent to realize Rs.5,000/- each towards cost from each of such petitioners.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg